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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 165 OF 2018

Devendra Ramesh Parekh & Ors.

..Applicants

Vs.

State of Maharashtra

..Respondent

Mr. A.H.H. Ponda a/w Paras Yadav and Viraj Nalavade I/b Nalavade & Law Associates for applicant.

Ms. J.S. Lohokare, APP for State.

Mr. Debajyoti Talikdar for Intervener.

Mr. S.R.Kate, API, Lashkaar Police Station, Pune City present.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] By a well-reasoned Order dated 10th July 2018, the applicants were granted interim relief and were directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

2] Heard the learned counsel for the applicants, the learned counsel for the Intervener and the learned APP. Perused the record.

3] It is observed in para-6 of the Order dated 10th July 2018, that as of today, even according to the Investigating Officer, prima facie, there is no material to indicate that the present applicants had forged and fabricated the said I.P. address.

4] Today the learned APP on instructions from the concerned Investigating Officer submitted that Airtel Company had informed the Investigating Agency that, they preserve the data only for a period of one and not beyond it. It is therefore very difficult for the Investigating Agency to trace out I.P address allegedly used by the applicants from which funds of the informant are transferred from one account to another account.

5] Till today the Investigating Agency is not able to connect the link of applicants to the alleged crime. In view thereof, the custodial interrogation of the applicants for further investigation in the present crime is not necessary.

Interim relief granted by Order dated 10th July 2018 is hereby confirmed. However, the applicants are directed to attend the Investigating Officer as and when called for between 10.00 a.m to 12.00 noon upon a notice in writing from the concerned Investigating Officer and to join in the process of investigation till submission of final report.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)